
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

<p>UNITED STATES OF AMERICA, v. SCOTT BYARS,</p> <p>Plaintiff, Defendant.</p>	<p>MEMORANDUM DECISION AND ORDER DENYING EMERGENCY MOTION FOR COMPASSIONATE RELEASE</p> <p>Case No. 2:16-CR-454 TS</p> <p>District Judge Ted Stewart</p>
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This matter is before the Court on Defendant's Emergency Motion for Compassionate Release. Defendant seeks release to home confinement under the First Step Act and the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act").

"A district court is authorized to modify a Defendant's sentence only in specified instances where Congress has expressly granted the court jurisdiction to do so."¹ 18 U.S.C. § 3582(c)(1)(A) allows the Court to modify a term of imprisonment under certain circumstances. Relevant here,

the court . . . upon motion of the defendant . . . may reduce the term of imprisonment (and may impose a term of probation or supervised release with or without conditions that does not exceed the unserved portion of the original term of imprisonment), after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that . . . extraordinary and compelling reasons warrant such a reduction.

The Court finds that Defendant has failed to demonstrate extraordinary and compelling reasons for his request for home confinement. Instead, he points to generalized concerns about

¹ *United States v. Blackwell*, 81 F.3d 945, 947 (10th Cir. 1996).

the COVID-19 pandemic. Defendant further presents evidence that he has a history of urethral stricture. However, there is no evidence that this condition makes Defendant more susceptible to contracting COVID-19 or suffer a more serious reaction. While the Court is sympathetic to Defendant's concerns, he has not demonstrated extraordinary and compelling reasons for his release to home confinement.

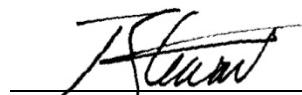
Further, the Court does not have the authority under the CARES Act to order the Bureau of Prisons to release Defendant to home confinement. "While the CARES Act gives the BOP broad discretion to expand the use of home confinement during the COVID-19 pandemic, the Court lacks jurisdiction to order home detention under this provision."²

It is therefore

ORDERED that Defendant's Motion for Compassionate Release (Docket No. 81) is DENIED WITHOUT PREJUDICE.

DATED this 27th day of May, 2020.

BY THE COURT:



Ted Stewart
United States District Judge

² *United States v. Read-Forbes*, ---F.3d---, 2020 WL 1888856, at *5 (D. Kan. Apr. 16, 2020).